

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
FRANCIS DIDONATO,	:	
	:	20 Civ. 2154 (LGS)
Plaintiff,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
GC SERVICES LIMITED PARTNERSHIP, et al.,	:	
Defendants.	:	
-----	X	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on January 6, 2021, the parties filed pre-motion letters in anticipation of cross motions for summary judgment (Dkt. Nos. 98 and 99), and on January 13, 2021, the parties filed responsive letters (Dkt. Nos. 106 and 107).

WHEREAS, on January 12, 2021, Plaintiff filed a pre-motion letter requesting to modify the stipulated protective order at Docket No. 60 (the “Protective Order”), so that certain deposition testimony and documents that were produced and designated “Confidential” in this matter may be used in *Mader v. Experian Information Solutions, LLC*, Case No. 19 Civ. 3783 (S.D.N.Y.), in connection with a motion pursuant to Federal Rule of Civil Procedure 60(b), regarding the accuracy of Navient employee John Zemetrow’s declaration in *Mader*. Dkt. No. 105.

WHEREAS on January 25, 2021, Defendants filed a responsive letter to Plaintiff’s pre-motion letter at Docket No. 105 (Dkt. No. 117), and on January 25, 2021, Plaintiff filed a reply (Dkt. No. 118).

WHEREAS, a pre-motion conference was held on January 28, 2021, to discuss the parties’ anticipated motions. It is hereby

**ORDERED** that the parties shall brief cross-motions for summary judgment according to the following schedule:

- by **March 18, 2021**, Plaintiff shall file his motion for summary judgment;
- by **April 15, 2021**, Defendants shall file their opposition to Plaintiff’s motion for

summary judgment and any cross-motion for summary judgment;

- by **May 13, 2021**, Plaintiff shall file his reply in support of its motion for summary judgment and any opposition to Defendants' cross-motion for summary judgment; and
- by **June 3, 2021**, Defendants shall file its reply in support of the cross-motion for summary judgment.

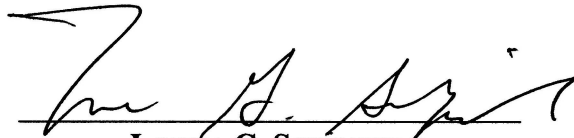
It is further

**ORDERED** that, each side is limited to **50 pages of briefing total**. Defendants may file joint or separate briefs but together are limited to 50 pages of briefing total. The parties shall otherwise comply with the Court's Individual Rules in filing their motions and supporting papers. Limitations shall be interpreted to apply to each "side" rather than each party. It is further

**ORDERED** that, Plaintiff's pre-motion letter at Docket No. 105 -- construed as a motion to modify the Protective Order -- is **GRANTED**, subject to the protective order in *Mader v. Experian Information Solutions, LLC*, and solely for the purpose of the anticipated Rule 60(b) motion in the *Mader* matter. For the reasons stated during the conference, extraordinary circumstances compel modification of the Protective Order. *Kiobel by Samkalden v. Cravath, Swaine & Moore LLP*, 895 F.3d 238, 247 (2d Cir. 2018) (explaining that a motion to modify a protective order should be granted upon a showing of "extraordinary circumstance or compelling need") (internal citation omitted).

The Clerk of Court is respectfully directed to close the motions at Docket Nos. 98 and 99.

Dated: January 28, 2021  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**